UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

SCOTT ALLEN SLOANE) 3:11-cv-00008-LRH-WGC
Plaintiff,) <u>MINUTES OF PROCEEDINGS</u>
VS.) August 28, 2012
STATE OF NEVADA, et al.,))
Defendants.)))
PRESENT: THE HONORABLE WI	ILLIAM G. COBB, U.S. MAGISTRATE JUDGE
DEPUTY CLERK: Katie Lynn Ogd	len_ REPORTER:FTR
COUNSEL FOR PLAINTIFF: Scott	Allen Sloane, In Pro Per (Telephonically)
COUNSEL FOR DEFENDANT(S):	Daniel Slimak (Telephonically)

MINUTES OF PROCEEDINGS: Motion Hearing

1:30 p.m. Court convenes.

The court asks plaintiff to present his position regarding his *Motion to Stay Court's Dkt.* #76 *Scheduling Order* (Dkt. #79).

Mr. Sloane represents that it would not be appropriate at this time to proceed with discovery while the court is in the process of ruling on two dispositive motions – defendants' Motion for Summary Judgment (Dkt. #61) and plaintiff's *Motion for Partial Summary Judgment Against Defendant Thomas Prince* (Dkt. #78).

The court characterizes plaintiff's motion as a request to stay discovery pending resolution of the two dispositive motions and requests that Mr. Slimak present the defendants' position regarding this request.

Mr. Slimak agrees with the characterization of plaintiff's motion and has no objection to a stay of discovery pending resolution of the two dispositive motions. Mr. Slimak notes that it is his intention to file either a supplement to the defendants' motion for summary judgment (Dkt. #61), to include the latest defendant, Thomas Prince, or file a separate motion for summary judgment on behalf of defendant Thomas Prince. Mr. Slimak notes that it is also his intention to file an opposition to plaintiff's motion for partial summary judgment (Dkt. #78).

MINUTES OF PROCEEDINGS

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The court directs Mr. Slimak to file the supplement or new motion for summary judgment and the opposition to plaintiff's motion for partial summary judgment by **Friday**, **August 31**, **2012**. The plaintiff shall then file his reply to defendants' opposition to his partial motion for summary judgment and his response to defendants' forthcoming motion for summary judgment on behalf of defendant Thomas Prince no later than the close of business on Friday, September 14, 2012. Mr. Sloane clarifies with the court that he will have his documents *mailed* by the close of business on Friday, September 14, 2012, but not necessarily *filed*.

The court is inclined to stay discovery until the court issues a report and recommendation and District Judge Hicks has the opportunity to rule on that report and recommendation. The court notes that the stay of discovery is only as to the resolution of defendants' motion for summary judgment, Dkt. #61, not the resolution of plaintiff's partial motion for summary judgment against Defendant Thomas Prince, Dkt. #78, because the motion is not fully briefed as of today's date. The court also recognizes that it may have to revisit the stay of discovery because of the forthcoming motion for summary judgment on behalf of defendant Thomas Prince and the submission of plaintiff's partial motion for summary judgment once fully briefed, but will address this when appropriate.

Therefore, plaintiff's Motion to Stay Court's Dkt. #76 Scheduling Order (Dkt. #79) is construed as a motion to stay discovery and is hereby **GRANTED** in accordance with the terms as set forth at this hearing.

1:40 p.m. Court adjourns.

IT IS SO ORDERED.

LANCE S.	WILSON,	CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk